

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

SAM HARRIS,

Plaintiff,

vs.

**Civil Action No.: 5:06cv148
(Chief Judge Keeley)**

**GENERAL ELECTRIC CAPITAL
CORPORATION and CITICAPITAL
COMMERCIAL LEASING CORPORATION
f/k/a/ ASSOCIATES COMMERCIAL CORPORATION,**

Defendants.

**ORDER DENYING MOTION TO COMPEL PRODUCTION
OF WITHHELD DOCUMENTS FOR *IN CAMERA* REVIEW**

On August 24, 2007, Plaintiff filed his Motion to Compel Production of Withheld Documents for *in Camera* Review, contending therein that the Defendants refused to produce documents for *in camera* review as orally ordered by the Court during the July 11, 2007 hearing [Docket Entry 74]. Plaintiff acknowledges in his motion that he had provided defense counsel sufficient time to review the transcript of the July 11 hearing. On August 27, 2007, Defendants filed their response to Plaintiff's Motion to Compel Production of Withheld Documents for *in Camera* Review and contemporaneously therewith filed the privilege log and documents claimed privileged, along with copies of the documents for *in camera* review [Docket Entries 75 and 76]. Defendants correctly asserted Plaintiff was aware that Defendants were reviewing the transcript of the July 11, 2007, hearing and further alleges that prior to filing the subject Motion to Compel Production of Withheld Documents for *in Camera* Review, Plaintiff did not confer in an effort to resolve the issue raised by the motion to compel.

Defendants filing of their response and submitting to the Court the documents in question

for *in camera* review moots the essence of Plaintiff's Motion to Compel Production of Withheld Documents for *in Camera* Review.

Therefore, Plaintiff's Motion to Compel Production of Withheld Documents for *in Camera* Review, bearing Docket Entry Number 74, is **DENIED** as having mooted by Defendants production of the documents in question.

It is so **ORDERED**.

The Clerk is, hereby, directed to remove Plaintiff's Motion to Compel Production of Withheld Documents for *in Camera* Review [Docket Entry 74] from the docket of motions actively pending before the Court in this matter. The Clerk is directed to provide copies of this Order to counsel for Plaintiff and counsel for Defendants.

DATED: August 29, 2007


JOHN S. KAULL
UNITED STATES MAGISTRATE JUDGE